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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS SANTANA,

Defendant.

CASE NO. 1:21-CR-00278-JLT-SKO

STIPULATION TO VACATE STATUS
CONFERENCE DATE, SET THE MATTER FOR
TRIAL, AND EXCLUDE TIME PERIODS UNDER
THE SPEEDY TRIAL ACT; ORDER

DATE: March 15, 2023
TIME: 1:00pm
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on March 15, 2023.
2. The parties hereby request that the Court vacate the current status conference date, set this matter for trial on February 27, 2024, and exclude time between March 15, 2023, and February 27, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties further request a trial confirmation date be set for February 5, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government represents that it has provided discovery in this case. The government is in the process of obtaining additional lab-related paperwork regarding the testing of drug exhibits and will provide it to defense counsel upon receipt. The government is aware of

its ongoing discovery obligations.

b) The parties are in negotiations regarding defendant's request to re-test and re-weigh the drugs at issue in this case.

c) The government has agreed to provide a plea offer in this case.

d) Counsel for defendant desires additional time to confer with his client about a possible resolution, to review discovery, and to otherwise prepare for trial.

e) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

f) The government does not object to the continuance.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 15, 2023, to February 27, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 28, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JESSICA A. MASSEY
JESSICA A. MASSEY
Assistant United States Attorney

1 Dated: February 28, 2023

2 /s/ W. SCOTT QUINLAN
3 W. SCOTT QUINLAN
4 Counsel for Defendant
5 JOSE LUIS SANTANA

6 **ORDER**

7 IT IS SO ORDERED. The status conference date currently scheduled for March 15, 2023, is
8 vacated. The matter is hereby scheduled for trial on February 27, 2024, with a trial confirmation date set
9 for February 5, 2024.

10 Time shall be excluded from March 15, 2023, through February 27, 2024, pursuant to 18 United
11 States Code Section 3161(h)(7)(A), B(iv), to allow the parties to sufficiently prepare for trial and
12 continue their plea discussions. The Court finds that the ends of justice outweigh the interest of the
13 defendant and the public in a speedy trial.

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15 DATED: 2/28/2023

16 Sheila K. Oberto
17 Hon. Sheila K. Oberto
18 United States Magistrate Judge
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